

Office Communication also states that the subcombinations are distinct from each other if they are shown to be separately usable. However, the Office Communication does not show the subcombinations to be separately usable as required by example in MPEP 806.05(d). The relevant section stating as follows:

MPEP § 806.05(d) provides:

" The examiner must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination."

Applicants respectfully request that the restriction requirement with respect to Groups I and II be withdrawn on grounds that neither asserted subcombination is shown to be separately usable. Further, elements of independent claims 1 and 13 of Group I are substantially practiced in independent claims 18, 26, 32, and 36 of Group II. More specifically, the method and computer readable mediums of Group II recite the elements of "receiving" a user command and "loading/opening/retrieving" a Web page/ URL both of which elements are recited in independent claims 1 and 13 of Group I.

Because the Office Communication does not show an asserted subcombination to be separately usable, Applicants cannot argue as instructed by MPEP § 806.05(d) below:

"If applicant proves or provides an argument, supported by facts, that the other use, suggested by the examiner, cannot be accomplished or is not reasonable, the burden is on the examiner to document a viable alternative use or withdraw the requirement."

Applicants therefore respectfully request withdrawal of the restriction requirement with respect to Groups I and II at least since the requirement recited above in MPEP § 806.05(d) is not satisfied. Applicants respectfully submit that Groups I and II are not distinct and that neither asserted subcombination has separate utility.

Applicants also respectfully submit that the search and examination of Groups I in conjunction with the search and examination of Group II are not unduly burdensome.

MPEP § 803 provides:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct claims."

In particular, Applicants believe that each element recited in each Group does not substantially increase the search and examination requirement of the entire application. Therefore, Applicants respectfully request withdrawal of the restriction requirement with respect to Groups I and Group II.

For the reasons above, the Applicant respectfully requests reconsideration of the restriction requirement while confirming the provisional election with traverse of the claims of Group II (claims 18-38).

Respectfully submitted,

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